

# **EXHIBIT 28**

**In the Matter Of:**

*HENRY v*

*BROWN UNIVERSITY*

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*KIM DOWNS-BURNS*

*March 05, 2024*

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1 K. Downs-Burns - Confidential

2 Q When did you first start working  
3 at Middlebury College?

4 A Almost 18 to 19 years ago. I  
5 can't remember the exact.

6 Q What was your initial position  
7 at Middlebury?

8 A I was hired as director of  
9 student financial services. Pretty sure  
10 that was the title, yes.

11 Q And what were those general  
12 responsibilities as director of student  
13 financial services?

14 A Bringing together the Financial  
15 Aid Office, Bursar Office, student accounts  
16 cashier, managing them.

17 Q And how long did you hold that  
18 position?

19 A Until I was promoted. I can't  
20 recall the date or the year. I can't  
21 recall right now.

22 Q Were you the director of student  
23 financial services for a period of a few  
24 years at least?

25 A Yes, yes.

11

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2 Q Then you said you were promoted?

3 A Yes.

4 Q And you were promoted to what  
5 position?

6 A Associate vice-president for  
7 student financial services.

8 Q And has your position changed  
9 since you became the associate vice provost  
10 for student financial services?

11 A Associate vice-president.

12 Yes, I was just promoted over  
13 the last six months to vice president of  
14 student financial services and institute  
15 enrollment or graduate enrollment.

16 Q When you were promoted to  
17 associate vice-president of student  
18 financial services, do you recall how your  
19 responsibilities changed?

20 A I can't tie it to that exact  
21 time, but I took over PCI compliance. So I  
22 recall a few responsibilities.

23 Q What is PCI compliance?

24 A Payment card industry.

25 Q And what does that entail?

18

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2 week, but okay.

3 Q When you joined Middlebury, was  
4 the school a member of the 568 Group?

5 A Yes.

6 Q And did you come to play any  
7 role with respect to the 568 Group while  
8 you were at Middlebury?

9 A Yes.

10 Q Do you recall whether you played  
11 a role with respect to the Technical  
12 Committee?

13 A I did.

14 Q And what role did you play?

15 A I served on the Technical  
16 Committee and then I became Chair of the  
17 Technical Committee.

18 And I'm not sure what year. I  
19 didn't look at any of this. So, yeah.

20 Q And what were your  
21 responsibilities as Chair of the Technical  
22 Committee?

23 A Calling the group together for  
24 meetings.

25 You know, it was managing the

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2 pay.

3 Q Did you have any understanding  
4 during your time on the Technical Committee  
5 as to whether the 568 schools were using  
6 the consensus methodology?

7 MS. HOECHST: Object to form.

8 You can answer.

9 A So, I'm sorry, so I heard --  
10 could you repeat the question one more  
11 time? I want to make sure.

12 Q Sure.

13 It was, did you have any  
14 understanding during your time on the  
15 Technical Committee as to whether the 568  
16 schools were using the consensus  
17 methodology?

18 MS. HOECHST: Same objection.

19 A So we -- we don't know what  
20 every school -- what each school is doing.  
21 I know what Middlebury was doing at the  
22 time the group was in place. The only  
23 requirement was to be need-blind.

24 So schools -- again, schools  
25 could do what they want if they were

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1                   K. Downs-Burns - Confidential

2 need-blind for admission.

3                   Q         Are you saying you didn't have  
4 any understanding one way or the other as  
5 to whether the 568 schools were using the  
6 consensus methodology?

7                   A         I absolutely --

8                   MR. KUTCHER: Object to the  
9 form.

10                  A         -- don't know --

11                  MS. HOECHST: You can finish  
12 your answer.

13                  A         Sorry, I absolutely don't know  
14 what individual schools that were member  
15 schools were using -- were doing. This was  
16 completely -- schools need to do what they  
17 can.

18                  So, no, I did not know what any  
19 one school was doing.

20                  Q         Apart from Middlebury, I take  
21 it?

22                  A         Well, Middlebury, yeah.

23                  Q         I take it you were the point  
24 person for handling media inquiries  
25 regarding certain aspects of the 568 Group?